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ABSTRACT

The Institute for Responsive Education and its study team are looking at ways to widen the scope of collective bargaining to provide room for communities to participate in policy formulation in their schools. The traditional management-labor approach was designed to resolve differences about wages, fringe benefits, and the rules, rights, and responsibilities of employers and employees, not to resolve differences about the rights of children, parents, and taxpayers involved in the educational process. As more and more educational decisions are made in bilateral, behind-closed-door negotiations, there will be even less opportunity for constructive ideas from students, parents, and others in the community than there are now. Furthermore, collective bargaining seems to be moving toward greater centralization in large school districts, making it even more difficult for the people concerned about an individual school--teachers, staff, parents, students, and community residents--to be adequately represented. We need to break out of the confines of the narrow, bilateral approaches to educational decisionmaking in general, and the closed-door collective bargaining patterns in particular. (Author/WM)

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THE COMMUNITY AT THE BARGAINING TABLE

A Report on the Community's Role in Collective Bargaining in the Schools

By a Study Team of
The Institute for Responsive Education

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PREFACE

This report is one in a series published by the Institute for Responsive Education (IRE) on citizen participation in educational decision-making. It is the result of six months of work by a small study team. The team sees its efforts as exploratory, preliminary, and tentative rather than definitive or comprehensive. IRE views the endeavor as the beginning of a continuing effort to probe a topic of baffling complexity and growing significance. We hope that other individuals and groups will be attracted to the topic and will begin to give it the national prominence it deserves.

Seymour Sarason, Professor of Psychology affiliated with the Institution for Social and Policy Studies at Yale University, directed the study team. He has studied the ways communities develop and allocate resources, problems of institutional change, and the ways in which communities meet individual and group needs.

Other study team participants represent a wide variety of interests, ages, and perspectives.

Elizabeth Meyer Lorentz, chairperson of the IRE Board of Directors and an active public citizen, brings a special concern for the rights of children to the team.

N. Dickon Reppucci, Associate Professor of Psychology, Yale University, contributed expertise in community psychology and the ways institutions serve the diverse needs of young people. He served as resident critic of the study team.

Charles Cheng, graduate student at the Center for Urban Studies of the Graduate School of Education, Harvard University, was formerly Assistant to the President of the Washington, D.C. Teachers' Union. He combines a

commitment to teachers and teachers' unions with a dedication to community involvement in institutional reform. He is currently preparing a doctoral thesis on the topic of community participation in collective bargaining.

Peter Cowden was a graduate student in theology and psychology at Yale and is now working toward a doctorate at the Graduate School of Education, Harvard University. He is studying the ways institutions respond to people, and how to create environments for life-long learning.

Kenneth Maton, a psychology major at Yale University, is studying applications of research methodology to the solution of human and social problems.

Don Davies is the director of IRE and Professor of Education in the Department of System Development and Adaptation at Boston University's School of Education. He has been an official of the National Education Association and Deputy Commissioner in the U.S. Office of Education, Washington, D.C. His central concern is developing ways to make society's institutions more democratic and responsive to the people they serve.

IRE and the study team received assistance, encouragement, and ideas from two citizen groups whose help is gratefully acknowledged: The District of Columbia Citizens for Better Public Education, Mrs. Gilbert Harrison, Executive Director; and the Public Education Association of New York City, Mr. David Seeley, Director. We are also grateful to the more than sixty men and women who were interviewed as part of our data gathering effort.

INTRODUCTION

Don Davies and Elizabeth Meyer Lorentz

Last spring one of us, Elizabeth Meyer Lorentz, had conversations with a high ranking school administrator and with a leader of an influential citizens' organization. Each discussed parents who were protesting their exclusion from upcoming school board/teacher union negotiations and were demanding a voice in the process.

The administrator and citizen leader felt frustrated by the lack of a forum in which parents, students, and other citizens with both grievances and constructive ideas could be heard. Both were seeking every means possible to improve the quality of education, and felt hemmed in by the management-labor approach which had been adopted in their districts. Both suggested that IRE study the problem of collective bargaining in education and search for alternative models to secret, adversarial bargaining sessions.

Sparked by these conversations, members of IRE talked with other community leaders, school administrators, school board members, and interested academics. They confirmed our belief that the topic was significant, and that it needed attention. We began assembling a team to study the problem.

We recognized that such an effort might be interpreted as anti-union, anti-teacher, or anti-teacher organization. Such an interpretation is not warranted. The Institute and the study team recognize and accept the need for teachers and other school employees to organize. We support the right of organized employee groups in the public sector to bargain collectively. We are aware of the long hard struggle of teachers to achieve reasonable economic rewards, good working conditions, higher standards of professional performance, and the right to have a part in educational decision-making where their

services are vital. We believe in school/community collaboration in which decisions include participation by teachers and administrators, as well as community (e.g., students, parents, and other citizens).

However, the trade union collective bargaining approach that has been transplanted into school systems doesn't appear to provide regular incentives or procedures for anyone (except possibly the professional negotiators who dominate the process) to present ideas for positive programs for school improvement. Teachers are as locked in by their union contract as the community is locked out.

The traditional management-labor approach was designed to resolve differences about wages, fringe benefits, and the rules, rights, and responsibilities of employers and employees. Automobiles and barrels of oil have no rights. Children, parents, and taxpayers do. The "products" in schools are our children, each with rights of his or her own. The questions which need to be asked are, "How can the interests of children be represented in the bargaining session?" and "How can the diverse interests of the community best be represented?"

IRE and its study team are looking at ways to widen the scope of negotiations to provide room for communities to participate in policy formulation in their schools. As more and more decisions are made in bi-lateral, behind-closed-door negotiations, there will be even less opportunity for constructive ideas from students, parents, and others in the community than there are now. Furthermore, collective bargaining seems to be moving toward greater centralization in large school districts. Centralized bargaining will make it even more difficult for the people concerned about

an individual school--teachers, staff, parents, students, and community residents--to be adequately represented.

We are also concerned about the impact of collective bargaining on the relationship between schools and other community agencies. Teachers and schools affect the policies of agencies and institutions which provide health, welfare, recreational, cultural, and criminal justice services to children. The work of these agencies also affects the schools. Just as some of the barriers between schools and these agencies are beginning to break down, the trade union approach to policy making in the schools threatens to erect new barriers. The result may be fewer and lower quality services to people.

Collective bargaining between teacher organizations and school districts determines education policy for the entire community. For example, new developments in education point to increased use of the community as a resource. "Open classrooms," "alternative schools," "schools without walls," and "life-long learning programs" depend on school/community collaboration. Decisions affecting these programs are being made in collective bargaining sessions, and will determine educational policy for those young people and adults who want to learn outside, as well as inside the school.

IRE and its study team approached the investigation reported in this document with a sense of urgency. Collective bargaining without community involvement has resulted in contracts and ground rules which virtually rule out parental and community involvement in the future. Collective bargaining agreements are collective over time. More and more policies are "written in" and are difficult to exclude in future bargaining. Some new state laws

(e.g. Massachusetts) seem to bar third party participation in negotiations. If future state legislation continues along labor-management, private sector bargaining lines, future parent and community involvement will be permanently ruled out.

We make our houses, laws, cities, language, and schools, and then they make us. It is clear that we need to break out of the confines of the schools we have made--the narrow, bilateral approaches to educational decision-making in general, and the closed-door collective bargaining patterns in particular.

It is our hope that this study can help us escape the captivity of the "houses we have made."

Limitations

There are a number of things we would like to have done in this study. Limitations of time, money, and our understanding of the issues prevented us from organizing a national survey to locate promising practices or to look in depth at a few school systems and communities. We were not able to intensively examine practices and policies of bargaining in the public sector. We could not bring groups of knowledgeable people with various viewpoints together for extended discussions about collective bargaining and decision-making. We were not able to field test any of the models proposed in Section III.

We included students in our definition and concept of "the community" but did not give special attention to the rights and responsibilities of elementary and secondary students--the consumers most affected by decisions

made in collective bargaining sessions.

Our work has focused almost entirely on the public schools. We recognize that there are hundreds of thousands of young people in care-taking and correctional institutions or not in any school or institution at all. Millions are in private schools and in post-secondary institutions. The question of who speaks for these young people deserves serious attention, which we were not able to provide.

Perhaps the most important limitation is the absence of firm and specific recommendations for communities regarding collective bargaining. We believe that being either too certain or too specific about what should be done might close off the debate, harden positions on all sides, and reduce the likelihood of change and improvement in existing modes of bargaining and decision-making in the schools.

Next Steps

The publication of this report concludes the first stage of a three to four year project by IRE on the topic of the community's role in collective bargaining. We are currently seeking funds to carry out the next stage of the effort. The plans include:

1) A series of seminars and small conferences on the topic. This report will be used as a basis to refine and clarify the issues.
2) Development of a clearinghouse of information and ideas on citizen participation in collective bargaining.
3) Field studies in different types of communities.
4) Refining and field testing the proposed models.
5) Developing and advocating recommendations for decision makers.

The study team and the Institute for Responsive Education invite response from the readers of this report. We welcome your comments, questions, criticisms, and proposals.

SECTION I -- COLLECTIVE BARGAINING IN PUBLIC EDUCATION: A PROBLEM IN REPRESENTATION

Seymour B. Sarason

Vital to American democracy is the idea that people who are affected by public agency decisions should play an active role in the decision-making process. The slogan "taxation without representation is tyranny" epitomizes this idea. In our early history that slogan was surrounded by a depth of feeling strikingly similar to that of many people today who feel "left out" or unrepresented in decisions affecting their lives and interests.

An important aspect of the history of human freedom is the dialogue between those who govern and the rights of those whom the governors are supposed to represent and protect. What is relatively new in Western society is that this stance about representation has "invaded" the private sector. The idea that the owners of business and industry should not be allowed to make any decisions affecting employees is reflected in law for several reasons. Absolute power created its own collective opposition. The rhetoric of owners almost always included something about their concern for the welfare of their employees. What was good for the company was good for the employees. Such rhetoric at least established that employees were entitled to "good". There was, of course, a mammoth gulf between how the two sides defined "good". The object of collective bargaining is to reconcile the different conceptions of "good".

A current variant of the "taxation without representation" issue is collective bargaining between boards of education and various unions,

e.g., teachers, administrators. My intent is to explore the problem of representation and its implications for the purpose of stimulating discussion. It is not my purpose to present solutions. The issues are far too complicated and unclarified to permit conclusive solutions. Many people will agree with the basic values behind the issues. But the steps from values to action inevitably produce controversy and reexamination of what are considered basic values.

Current Practice

There is some form of collective bargaining in about 4,000 school districts. In most districts there is none. We assume that over the next decade the number of districts engaged in collective bargaining will increase, perhaps dramatically. Twenty years ago few people would have predicted the current strength and thrust of education unions, and today fewer would deny that collective bargaining is likely to become standard practice.

Current practice in collective bargaining between boards of education and unions follows the private sector model. Long before collective bargaining actually begins both sides develop their positions. The union leadership canvasses the opinions of its members, develops support for whatever position it will take, analyzes and predicts the position of the board, scrutinizes how other groups have fared with the board, and determines a minimally acceptable agreement.

Although the board is doing some of these things, its position is more complicated than that of the union or of management in business and industry. In many states the board is a legal instrument of the state and

is constrained by that relationship. Depending on how and by whom it is selected, as well as by the source of its funding, the board reflects the politics and social structure of the community. It was once proudly asserted that the board and the school were independent of politics and partisanship. This myth has been exposed and is not likely to be resurrected. Boards of education and the school system for which they are responsible have always reflected community structure and power. Leaders of teacher unions know very well that collective bargaining decisions must be screened and approved by powers outside the board of education--powers that are not at the table but who are crucial in determining the final menu.

The board also represents the opinions of people in local government. By "represents" we do not mean that boards are necessarily willing or uncritical conduits of the positions of these outside powers. But they know that they must take the opinions of these outside forces into account in collective bargaining.

Boards have viewed themselves as representatives of community interests, by virtue of their election or appointment. But they rarely represent community groups with the same directness and intimacy as they represent individuals and groups with formal public status and power, e.g., the mayor, legislative council, board of finance.

I am not judging the ways boards of education sample and represent the opinions and interests of different groups. One cannot underestimate the fact that even if a board wished to be as sensitive to outside community groups as it is to public officials, it does not have the time to do so. Members of the board are almost always unpaid, a fact that limits

direct sampling of community opinion. Indeed, collective bargaining has become such a time consuming and technical affair that many boards have hired "negotiators" to deal with the union, creating even greater distance between those in the community and those at the bargaining table.

The Changing Scene

Three factors require an examination of traditional practice. They are (1) collective bargaining agreements inevitably affect educational policy; (2) many community people feel that collective bargaining agreements have not improved the quality of education which children receive; and (3) many people in the community feel unrepresented at the bargaining table.

It is clear that agreements have broad impact. Whether these agreements are narrowly financial (salary scale and increase), or concerns for working conditions (lunch or bus duty, after school obligations, preparation time, etc.) or staff improvement (workshops, courses), they affect educational policy.* "Bread and butter" issues always determine, directly or indirectly, what the main course will be, or the possibility of dessert. Resources are always limited and the limitations are quite real. It could be maintained that we can spend billions to go to outer space and

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*There are districts where by law or board policy only salaries and fringe benefits can be negotiated with unions or other forms of employee associations. This restricts the impact of collective bargaining decisions on education policy and practice but it does not eliminate it. The idea that increases in these items have no impact on the implementation of existing or future educational programs is sheer fantasy. I believe that boards of education which now restrict the scope of collective bargaining to salaries and fringe benefits will be forced by increasing union strength to change their policies.

additional billions to improve our schools. In real life this possibility does not exist and there is no reason to believe that it will exist in the foreseeable future.

Those who accept this reality maintain that we must make an either/or choice (e.g., we can explore outer space in the future, it will always be there), or arrive at a compromise. These are the dilemmas that make collective bargaining between unions and boards difficult. Both sides recognize that resources are limited.

The union may present "demands" which suggest that it believes resources are unlimited. But that is always a tactical rather than a substantive gambit because it well knows that the board does have limited resources. The union is prepared to bargain, to limit this demand in order to get that demand. Whatever each side "gives or gets" is seen as furthering or hindering what it believes good education should be.

The second factor necessitating examination of traditional practice is the feeling of many people that collective bargaining agreements have not improved the educational experience of children. At this point it makes no difference whether this feeling is justified. This is the way a large segment of the community feels, and such feelings are not being dealt with. Neither side makes any serious attempt to convice the community, perhaps because neither can make a convincing case.

The third important factor is that the community feels unrepresented at the bargaining table even though they or their children may be affected by the outcomes. People other than parents feel this way. In our large urban centers diverse racial and ethnic groups have a stake in the role

and aims of education. It is not an exaggeration to say that their attitudes toward those who make educational policy are at best skeptical, and at worst hostile.*

It is a fact that in the traditional collective bargaining process many of those in the community who are affected by agreements are unrepresented. The board of education--the legal entity representing the community--no longer can represent the diverse interests of different community groups. If one asked members of a board of education, as well as school personnel, to list those groups who affected or were affected by school policy and practice, one would realize how many parts of the community have a vested interest in what happens in the schools.

This does not mean that the board should be eliminated. I am saying that the way boards actually function prevents meaningful representation of community groups in collective bargaining. "Meaningful representation" means several things: (a) that the board and union know before collective bargaining begins precisely what issues community groups wish to have on the table; (b) that community groups be given some idea of the priorities which union and board have established for themselves; and (c) that the community groups be informed of the implications of agreements.

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*Many of those who now look negatively or ambivalently on union goals and tactics supported the unions a decade ago. There was tremendous support for teachers no longer willing to work for meager salaries or to be treated as hirelings with little or nothing to contribute to education policy. This support has been withdrawn as people now perceive that what the unions want is not necessarily what is best for the education of students. The validity of this perception is less important than the fact that this is the way many people view the unions. For the unions to ignore this fact is as shortsighted as a board of education failing to take the principle of community representation seriously.

I do not question the ultimate responsibility of the board to set educational policy and to reach agreements with unions.* Nor do I question the right of unions to serve and protect the interests of their members. What I question is the assumption that the union and board, singly or in tandem, adequately represent or reflect the interests, values, positions, and priorities of other community groups. Neither the union nor the board has a monopoly on wisdom. Neither "owns" the school, or can assert that it adequately represents the diverse community. We are a pluralistic society, and this makes the problem of representation in public decisions very difficult. Nowhere is this more true than in urban education.

Who Should Be Represented?

Who should be represented in the collective bargaining process? Teachers, school administrators, custodians, bus drivers, cafeteria workers--each of these groups have been represented in collective bargaining with boards of education. Each of these groups performs a necessary function within the school system. The fact that they are organized ensures that their views and demands will be heard and dealt with. And if they are not dealt with, there is always the threat of a strike or some interference with the services they perform. The collective bargaining process is not only a forum for the presentation of views and demands but also a way of resolving differences. Should parents be represented in similar ways? How about the representation of students, of other community residents who pay taxes and

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*See page 52 for a different conclusion.

are affected by school decisions?

The interests and rights of students are different from those of parents; parents' interests and rights differ from those people in the community without children in school. These different interests and rights need to be considered in developing any plans for representing the "unrepresented" in decision-making and collective bargaining in the schools.*

There are several barriers to a meaningful role for the community in the formulation of educational policy. First, school boards have been assumed to represent "the community," making other forms of participation and involvement unnecessary. Second, educational policy has been viewed as the province of professional educators, a view that has not made it easy for non-professionals to "intrude." They have not been welcome. Third, it has been difficult to organize the community or any of its parts in a cohesive and sustained way. Trained leadership, time, and money have often been scarce.

It is interesting to note that teachers faced all of these problems in their efforts to organize and gain a share in decision-making. The traditional view that teachers faced was that educational policy was the province of school <u>administrators</u>, a view that made it difficult for teachers to "intrude" <u>themselves</u>, that is, until teachers became powerfully organized.

In the past decade parents, students, and other citizens have sought a larger voice in school decision-making. The social upheavals of the

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*As in the other sections of this report the term "community" is used to include students, parents, and other individuals in the community.

turbulent sixties and growing taxpayer resistance to increasing school costs led many school personnel to recognize the need to respond to community needs and to draw the community more actively into the life of the school. There are now many mechanisms in most urban areas, inside and outside the formal school structures, for increased community involvement in the life of the school.

Many community participation efforts have had only limited and faltering success; others have failed. There are many reasons for failure. First, educators developed a growing reluctance to share responsibility with parents on matters they considered professional and technical. Second, there was seldom the experienced indigenous leadership and financial support for sustained community organization. Welding any group into an effective organization conscious of its goals is no easy matter, as any historical-minded trade unionist knows. Thirdly, the strength and militancy of the unions were forged in battle with boards of education--highlighted by lengthy strikes and notable successes. But the role of non-professionals in setting education policy was downgraded both by the unions and the boards of education. The militancy and successes of the unions tended to be viewed negatively by parents and community groups either because of escalating taxes or the perception that schools were not discernibly better--or both. Parents felt increasingly "on the outside looking in."

The reason effective community participation has not come about is only partially understood by looking at the recent history of educational unionism. One could argue that the educational unions are doing what they are supposed to do: to increase the economic well being of their members

and to enlarge their role in all aspects of decision-making.

What should the role of the board of education be in developing community representation in educational policy decisions and collective bargaining? After all, the board has a more direct relationship to the community than do educational unions. It is supposed to represent community opinion. The fact is that the board has not exercised a leadership role in stimulating parent-community organization. It has not devised administrative vehicles to give these groups meaningful and self-sustaining roles in schools, and to provide feedback to the board about needed educational change. The board of education has become isolated from the community because it has developed no formal structure to allow community groups to influence or respond to it, in the way that it is influenced by its relationship to unions. For the most part, the relation of the board to individuals or groups from the community is passive and informal, reactive rather than anticipatory, and crisis determined. If members of the board feel badgered, isolated, and unappreciated it is due to their view of their responsibility which robs them of knowledge, relationships with the community, and community support.

In any community, all human service agencies have an important stake in the nature and quality of services offered by the school system. These agencies frequently serve the same children and their families. The school system has important relationships with the health service agencies, the criminal justice system, the welfare services, and library, information, recreational services. These relationships affect the very nature of

children's educational experience.

These relationships have not always been viewed as "educational matters." In practice they are very much educational, affecting the lives of children, the atmosphere of schools, and classroom experience--as teachers well know. Unfortunately, these outside agencies are frequently unaware of how their actions affect children and schools, just as they sometimes view the schools as complicating, if not causing, problems for children. These agencies have no meaningful role in discussions of educational policy and practice. There are no formal or productive ways by which conflicting policies and practices can be discussed and reconciled. The many points of contact between schools and social service agencies make a difference in the educational experience of children and in the ability of school personnel to accomplish their goals. And these contacts raise questions about how community resources can be productively utilized for educational purposes.

The Problem of Complexity

When collective bargaining involves two parties it is already a complicated and time consuming process. Are we suggesting that collective bargaining should include several groups? Is this utterly impractical? Are we carrying democratic principles to a ridiculous point?

The issues surrounding representation and collective bargaining in education are relatively new to me, and I find myself puzzled or overwhelmed by the implications and consequences of accepting the value that those who are affected by educational policy should have some meaningful role in the

decision-making process. Agreement on values in a necessary first step. But we must ensure that actions be consistent with agreed upon values.

When we translate values into action, we begin to see problems and inconsistencies. In solving one problem we create others. For example, people who supported collective bargaining between unions and boards of education did not anticipate the broad range of educational issues that would be negotiated. They did not anticipate the co-option of community interests in the process. Similarly, the proponents of community participation in educational decision-making vastly underestimated the obstacles they would confront.

If collective bargaining is viewed as a process that begins only when parties formally meet to discuss and negotiate a contract, it can be argued that having serveral groups represented might be unwieldy. But collective bargaining is a process which begins long before the formal negotiations start, and involves individuals "representing" a variety of interests. The key question is how to maximize opportunities for groups to help formulate and respond to the issues which the bargaining parties intend to discuss and negotiate. Those issues are almost always known to the parties before formal taks begin. The usual practice is for the parties to exchange written views and demands so that they are prepared to respond to each other during negotiations. The question "Who should be represented?" should be changed to, "At what point in the process should the views and interests of appropriate groups be determined?"

There is a second question: When a pending agreement runs counter to

the stated views of one or several community groups, should these groups be informed?* There are times during negotiations when it is obvious that an important decision between parties will run counter to the views and interests of community groups. Then it is not merely a matter of courtesy to inform these groups of developments.

Study Team members have discussed this question with others who have almost always interpreted the question as a case for the board of education to secure community support for its bargaining position. The frequency of this interpretation suggests that the unions are perceived as either uninterested in securing community support or as adversaries to the welfare of the community. The interpretation also suggests a tendency to view the board of education as being more "right" in matters of educational policy, practice, and change, than the unions.

This is not my view, and not the view of the study team. It is in the interests of all to use every opportunity to explain all positions. Full discussion does not guarantee the avoidance of conflict, or a universal

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*In Section II, where current practices are described, it is apparent that different ways of dealing with the representation issue have developed. What is encouraging is not only the diversity of solutions but the near unanimity of opinion that the issue of representation needs searching public discussion. This recommendation has been privately articulated by several people who publicly oppose complicating collective bargaining "around the table." What surprised and disturbed us was the tendency of some people we interviewed to think of community participation only in terms of formal, "around the table" negotiations, even though in each instance the individual well understood that collective bargaining is a continuous process in which formal bargaining is but one step. In practice, as we found out, there are numerous ways in which community groups can respond to and help formulate issues for the bargaining table.

answer for dissipating controversy. But full participation and explanation does allow accommodation not possible after contracts are written. Trade unions composed of various categories of membership have long followed this practice, and there have been instances of one category refusing to approve a contract which all other categories have approved. Boards of education have not acted in similar ways.

Values and Actions

I have tried to raise and explore some of the most relevant questions and issues. These are:

1. Those who will be affected by decisions should participate in the decision-making process.
2. The collective bargaining process has not reflected this value, even though the participants usually affirm this value.
3. Collective bargaining always takes place within a context of limited resources which requires participants to establish priorities, to decide what is more or less important to the improvement of education.
4. Questions of who should be represented, and when, have hardly been dealt with in practice. When these questions are taken seriously--which will happen when the value of representation is taken seriously--they will make the collective bargaining process more complicated. Complicating the process can undermine the value of representation more than it is now being undermined in current practice. But such a danger is no excuse for leaving matters as they are.

5. My suggestions do not alter the locus of final, formal, or legal responsibility for making collective bargaining decisions. It is obvious, however, that these suggestions raise the most serious questions about the capability of the board of education. Because of its size, available time and scope of responsibilities, it cannot adequately implement the principle of representation. This capability seems far less of a problem for the unions.

Agreement on values does not insure consistent action. There are numerous ways in which values may be reflected in action. What we must guard against is overspecification in implementing values. We think these cautions are particularly appropriate in collective bargaining in education where experience is short, traditions are long, and disaffection deep.

It could be argued that one might solve the questions raised in this paper and still have schools which are neither stimulating to students and teachers, related to the larger society, nor receptive to new ideas. Educational wisdom is not guaranteed by the principle of representation. But the principle provides hope that new and controversial ideas will be heard and dealt with. That hope will be justified only if the principle of representation receives more than tokenism and rhetoric.

SECTION II -- VIEWS FROM THE FIELD

Charles Cheng, Peter Cowden, and Kenneth Maton

In the preceding Section of this report Sarason affirms the democratic value that those who are affected by a decision should stand in some meaningful relationship to the decision-making process. He asserts that the current practice of public education policy decisions in general, and the collective bargaining processes in particular, have not adequately reflected this value. He suggests that the implementation of this value could be approached through the increased involvement of the community, either directly or indirectly, in the collective bargaining process.

The authors of this section worked as a team to learn more about the issues raised in the first section. We reviewed a substantial portion of the literature in the field of collective bargaining in the schools, interviewed knowledgeable people in various parts of the country, and searched for examples of community involvement in bargaining.

The exploration of the voluminous literature revealed that very little has been written about community participation in collective bargaining. Three significant exceptions are the writings of Liberman, Wellington, Winter,* and David Seeley of the Public Education Association of New York City.

More than 60 people were interviewed by individual members of the

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*See the list of references for selected works by Myron Lieberman, Harry Wellington, Ralf Winter, and Public Education Association reports.

team or, in some cases, two members working together. The interviewees included local and state school administrators, members of local and state boards of education, professional negotiators, mediators and arbitrators, labor relations experts, teacher organization leaders, state legislators, community organization leaders, and university professors in law and the social sciences. Our purpose was to gain insight into the views of people who were knowledgeable about school governance issues and the collective bargaining process. We make no claims that our 60 interviewees are a representative sample. We did not intend to do a comprehensive survey or to attempt to analyze the results quantitatively. We only hoped to make tentative generalizations which could stimulate thought and discussion.

We sought reactions in four relatively unstudied areas of concern all relevant to the positions articulated by Sarason. The first of these questions was whether the interviewees agreed with the proposition that the community has the right to determine the kind of education that their children will receive, and whether such a right should be implemented by involving them in the collective bargaining process. The second area of inquiry was whether boards of education are perceived as being adequately responsive to the community. The third was to ascertain whether bargaining table decisions are viewed as affecting the nature and quality of education. The fourth set of questions was to elicit the interviewee's predictions concerning the future scope of negotiations.

The Community's Right to Participate

Nearly all the interviewees supported the right of the community to influence school policies and practices. However, many of the respondents

opposed allowing the community to become involved in the collective bargaining process. The primary objection cited was that boards of education, the established legal vehicles for community input, might lose authority. One individual warned that "having parents and community groups represent themselves would undermine the democratic foundations on which this country was built." Others defended the legal rights of the school board as the sole representative of the public in bargaining, but blamed the community for not exercising its right to elect responsive board members.

A number of respondents believed that even if it were desirable to include the community in different ways, most citizens would not be willing to devote the time necessary to understand the complex matters being negotiated. In a similar vein, many interviewees objected to the lack of expertise which community people would bring to "the sophisticated process of collective bargaining." "This is no game for amateurs," was a common underlying theme. There was a strong belief that the interests of parents and others are transitory, limited to one or two issues.

Loss of efficiency and stability as a result of community participation was feared by many. Some saw near-anarchy if ill-informed and inexperienced community members were involved directly, or indirectly, in the bargaining process.

Some pointed out that the community representatives could not be held responsible for the outcomes of a negotiated agreement. They would not have "to live with the ramifications of the agreement they helped to negotiate."

Interviewees in larger cities expressed the fear that if the

community were allowed into the process, representatives would be the "same old political leaders." There would be no way to assure that those chosen would be "truly representative."

In short, there was almost no support for including the community in the bargaining process in new ways, despite almost total agreement with the right of the community to determine educational policy.

School Board Responsiveness

There was strong agreement, even among some of the school board members, that boards are not adequately responsive to the concerns and demands of community groups. Those from small towns and suburbs viewed school boards as being more representative and responsive to the community than their urban counterparts.

Many respondents attribute the failure of school boards to the rise of a professionalized, bureaucratic, technostructure that controls educational decision-making and policy development. The underlying theme was the relinquishing of policy-making responsibilities by the lay boards to the professionals. A report by Lieberman* indicates that in 1971-72 only 15 percent of the "board negotiating team" members consist of board members. Many reported the practice of assigning primary responsibility for the collective bargaining process to a full-time professional, often a deputy or assistant superintendent. Many school systems reported that even if the deputy or assistant superintendent was not solely responsible for conducting

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*Myron Lieberman, "Negotiations--Past, Present, and Future. School Management, May, 1973.

the negotiations, he served as the main adviser to a part-time professional negotiator. The negotiator, hired by the district, represents it in the bargaining process with the teachers' organization.

Although school personnel or the professional negotiator are acting under the authority of the lay school board, many contended that the schools' officers decide policy issues in the bargaining process and virtually foreclose significant input from board members.

Some perceived board members as inadequately responsive to the community simply because educational quality and instructional matters are not central concerns. They see board members as politicians using their school board appointment or election as a stepping stone to other public offices. Other board members were perceived as businessmen or businesswomen whose interest in educational quality is secondary to their concern about the tax rate or union members who tend to represent employee organization interests.

Despite many differences in viewpoints about school boards, there was general agreement that few board members comprehend the educational issues and problems with which they deal. One lawyer, a serious urban school board member, reported that it took 20 hours a week simply to keep up with his board responsibilities. Some interviewees contended that many board members perceive their primary role as encouraging the professional staff to expedite an agreement with a minimum of conflict. The nature of the bargaining process was widely seen as demanding an emphasis on speedy resolution of differences, avoiding consideration of time-consuming, conflict-producing

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educational issues. The efficiency and stability of the process were considered of primary importance.

Scope of Negotiations

Most interviewees had a difficult time making the distinction between "conditions of work" (almost universally seen as a legitimate area of collective bargaining) and educational policy. This difficulty of definition often leads to debate and impasse in the negotiating process.

Strong views were expressed on this matter. One major viewpoint is that working conditions and educational policy are so closely intertwined, that making a distinction between them is not possible. Those in this camp see almost any policy, practice, or issue affecting the schools as being a legitimate part of the bargaining process. At the other end of a continuum of opinions, there are some who argue that "working conditions" can, at least in theory, be narrowly defined. Even such things as class size and pupil discipline policies may be ruled as "out of bounds."

On a practical level, however, most people agreed that the distinctions could not be easily drawn. In practice, those areas to be included are determined by the negotiating parties, with theoretical definitions and distinctions having little relevance. Nearly everyone agreed or implied that bargaining has a strong impact on nearly all aspects of educational policy and practice.

There was nearly universal agreement that the scope of negotiations will continue to expand into most areas of educational policy and practice. Some pointed out that the recent history of labor relations indicates a

steady widening of scope from salaries and fringe benefits to working conditions, to staff development, pupil personnel procedures, textbook selection, parent-school relations, and curriculum. Others stated that education was likely to be affected by current developments in the private sector where there also is a trend toward broadening the scope of negotiations. Cited as examples of this trend were the emphasis on quality of life by many United Auto Workers locals, and the chemical workers' strike against Shell Oil last year, which emphasized health and safety issues.

Another explanation for the expansion of negotiations came from a union leader who indicated that the general tightness of the overall economy will force union leaders to focus on educational policy rather than traditional "bread and butter" issues. More specifically, a law professor indicated that since the shortage of teachers has disappeared, the surplus of personnel will eventually lead to reduced salaries. Consequently, teacher unions will be forced to make gains in educational policy areas.

A professor with extensive experience in labor negotiations predicted that the scope of negotiations in collective bargaining will expand. He believes that professional teachers today have a strong desire to determine what happens in the operation of the schools.

Examples of Community Involvement

Assuming the views of the more than 60 people we interviewed are reasonably representative of people across the country involved in collective bargaining, it is not surprising that there seem to be few school districts or teachers' organizations that have tried to modify the

conventional, bilateral collective bargaining procedure. A few examples of efforts to involve the community in the process are briefly described below.

In 1972 the Philadelphia Board of Education invited a group of concerned parents to participate in the negotiations. The parents were given the option of joining either the union or the board team of negotiators. After joining the board's team for the first bargaining session, the parent group chose to disassociate themselves and serve as an independent third party at the bargaining table. Following this decision, the board's chief negotiator "disinvited" the parents from future sessions. The experience in Philadelphia makes it clear that parents have priorities and concerns that differ from either the board or the union. They will not willingly be a part of a bilateral model.

In an effort to avoid the conflict that occurred in Philadelphia, the Detroit Board of Education recently introduced a plan to involve the community indirectly. The plan provides for periodic meetings of 16 community representatives (two from each of the eight regional districts) with a representative of the superintendent's office to discuss issues and progress in negotiations. Community representatives are encouraged to comment on both the union and board positions on any issue.

The shortcomings of this method of community involvement in the negotiating process are already apparent even though the experiment has just begun. The president of the Board of Education in Detroit expressed doubts

as to whether this method will allow the community to have meaningful access to the bargaining process. The plan does not allow the community direct or independent access to the decision-making process at the bargaining table. By participating indirectly the community is highly dependent upon the superintendent's representative for its information and understanding of the process. This dependency could hinder the community's ability to evaluate and respond directly to the board and the union. At the same time, this arrangement would allow the school board to use the community for its own political leverage in the negotiations.

Underlying this method of involving the community in collective bargaining is the assumption that the community and the board are allies while the community and the union are adversaries. This approach could widen the gap between the community and its teachers--the two groups who most directly affect the learning experience of the children and who should work in an atmosphere of cooperation.

However, the plan may have some promise. It does give community representatives a chance to familiarize themselves with the complexities of bargaining. It may be a useful first step toward more direct participation. It allows the community limited input into the bargaining discussions. The community may even be able to influence the board's positions and affect the outcome of the negotiations.

In the spring of 1974, the Newark, New Jersey Teachers' Union and a group of parents from one school successfully negotiated a supplementary agreement on the implementation of a federal program. After the agreement

was reached, the union and the parent group presented the supplementary contract to the board of education for ratification. The board apparently objected to what it saw as an attack on its authority and has not as yet ratified the agreement. This small effort in Newark is particular noteworthy in view of the bitter antagonisms that developed between the teachers' union and the community in the 1971 teachers' strike. The parents who participated in this effort have proposed that the experiment become a model for additional supplementary agreements with the union.

In Chicago, the central board of education opened bargaining sessions to the public. After an initial enthusiastic response, most community members stopped attending the formal bargaining sessions. Two explanations help to explain this loss of interest: the community was invited only as observers, and the meetings were often long and tiring.

Open negotiation is not without merit, despite these limitations. Even if limited to the role of observers, community members can become knowledgeable about the dynamics of the process and can react concretely outside the meetings to board and union positions.

In Toledo, Ohio, the teachers' union involves the community in the initial stages of its negotiations by asking community representatives to assist in the formulation of the demands. Community participation is limited to this initial stage. However, in Montgomery County, Maryland, two parents participate in actual bargaining sessions as observers. In another large, suburban district, Fairfax County, Virginia, final ratification of the district teachers' association contract is postponed for six months while the community is informed and given an opportunity to react.

Analysis and Comment

The results of our reading, interviews, and efforts to locate promising examples in the field lead us to conclude that a real problem exists. There is very little attention being given to the possibility of altering the collective bargaining process in order to increase community influence on negotiations. Few of the people we interviewed seemed to have thought about the possibilities of change. Our interview provided many of them with a first opportunity to reflect and common on the subject. Most individuals used the occasion to voice numerous objections and considerable resistance.

The objections usually related to problems which might be created in altering the bargaining structure, or to the inadequacies of the models we suggested for ensuring constructive and meaningful community participation in bargaining. These objections did provide persuasive evidence that altering the bargaining process in a constructive way would be a difficult affair. These objections did not, however, provide evidence which disproves the need to alter the bargaining process to ensure the community a right to participate in negotiations. It must be emphasized that simply proving the difficulty of a social problem does not diminish the importance of solving the problem. Few individuals denied the following assertions: (1) the community has the right to effectively influence the nature and quality of the education which their children receive; (2) what is decided at the bargaining table affects, and will increasingly affect, the nature and quality of their children's educational experience; (3) boards of

education, especially in large urban areas, are not adequately responsive to community needs in the bargaining process because (a) the board membership is not responsive to the diversity of community needs and concerns, (b) the boards have delegated much of their responsibility in negotiations to the administrative technostructure and professional negotiators, (c) during the bargaining process the community's views and desires are often overlooked because of pressure to reach a settlement with the union.

While some individuals supplied information which supported these assertions and gave credence to our arguments, others disagreed. Some claimed that what is presently decided during negotiations is not within the realm of educational policy. We would assert that it is not important whether one classifies the negotiated items as "wages and hours and conditions of employment" or as "educational policy." The important consideration is the extent to which the negotiated items substantially affect the nature and quality of the children's educational experience.* For example, the number of hours a teacher spends in contact with students substantially affects the nature and quality of the educational experience.

Other individuals claimed that it is inevitable and understandable

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*We do not know if the impact of collective bargaining on educational quality has been positive or negative. Nor do we know if changing the process to ensure more adequate community influence would increase or decrease the quality of education provided by our schools. One might hope that citizens concerned solely with the impact of the negotiated items on their children might ensure that each item was examined in light of its impact on educational quality. Our argument for increased community input is based, however, on the democratic principle that those affected by a process should stand in some meaningful relation to it, not on the claim that including the community would increase educational quality.

that urban boards of education (a) are not responsive to all the needs of their diverse constituency, (b) delegate authority to professionals who have the expertise and time to bargain effectively, and (c) "trade-off" and compromise on items of community interest in order to reach a settlement. The fact that factors causing social inequity are inevitable or understandable does not disprove the existence of the problem or diminish its importance. The fact remains that the community is not adequately represented in a process which substantially affects and will increasingly affect the educational experience of their children.

The Complexity of the Problem; The Complexity of Change

One of the main conclusions stemming from our research is that altering the collective bargaining process in order to achieve adequate community participation will be an extremely difficult and complex task. We discuss below five conclusions, based on our interviews, which reflect this complexity. We hope they will stimulate meaningful thought and discussion on the difficulties and complexities involved in altering the collective bargaining structure.

1. It is extraordinarily difficult for any social system to satisfy the legitimate and conflicting needs of all its member groups.

   Teacher union leaders perceive collective bargaining as a process which allows them to advance and protect the interests of teachers. They are wary of any changes in the process which might decrease their ability to achieve these legitimate goals. Board members and school administrators appeared to accept collective bargaining as a means of resolving differences with the teachers. They claimed legal responsibility for the

operation of the schools, however, and were wary of any changes in the process which might decrease their responsibility. Public officials, professional mediators, and arbitrators tended to perceive the bargaining process as one which resolves differences between educational management and labor, and which minimizes negative consequences of work stopages. They were wary of any changes which might decrease the efficiency of collective bargaining as a conflict-resolution process.

The legitimate right of the community is to influence a process which affects them. Union leaders, board members, superintendents, professional mediators and public officials differed to the extent they recognized this right. They were relatively consistent, however, in viewing the community's needs as secondary to their own. Most of them were opposed to any changes in the bargaining process which would diminish the usefulness of the process in meeting their own needs.

It is an extremely difficult and complex task to restructure the collective bargaining process in a way which adequately meets the legitimate needs of the community and at the same time continues to meet all the needs of the other groups involved. We must make value judgements about which needs of which groups are most legitimate and important. The irony of this problem is reflected in the fact that the argument originally propounded by the teacher unions is identical to the one now propounded by community groups--that their legitimate needs to influence decisions which affect them necessitates a change in the way those decisions are made. Altering the structure of decision-making

to include the union only affected two established power groups, the board/administration and the union.

2. It is difficult for those involved in the functioning of a system to be sensitive to the needs of those affected by the system and to generate, evaluate, and implement meaningful alternatives.

In the voluminous literature on collective bargaining in the public sector and our interviews, we found little evidence that those responsible were primarily concerned with the needs of the community or in generating alternatives to the collective bargaining process. Since many people believe that collective bargaining has worked well in the private sector, many leaders seem to feel that it is equally applicable in the public sector. Those interviewed offered considerable resistance when presented with alternatives to the process which might meet the needs of the community. It appears that those involved in any system have little time, energy or desire to consider alternatives to that system. The weight of history and tradition and the psychological commitment and investment which we make in whatever system we work, constrain us from dispassionately and constructively generating, evaluating and implementing alternatives. The pain of changing tasks, roles, attitudes, and actions--once these have solidified into a system--makes change extremely difficult.

3. It is difficult to discuss, evaluate and implement meaningful alternatives to practices in an atmosphere of mistrust and power relationships.

Both the content and process of our interviews reflected the atmosphere of mistrust and power relationships within which collective

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bargaining operates in education. Some union leaders perceived suggestions of increasing community influence on negotiations as attempts at "union busting." Union leaders, board members, and superintendents were often more concerned with the effects of change on power relationships than with the merits of the community's need. Public officials and professional mediators and arbitrators were wary of being quoted or committing themselves at all.

The point is not that educational power relationships dominate the process of collective bargaining, but that constructive thought, dialogue, and action is difficult in the "zero-sum game" atmosphere generated by such mistrustful power relationships. In such an atmosphere it is difficult to be sensitive to the legitimate needs of other groups. Educational decision-making should represent the interests of all affected groups in a process which maximizes the possibility of cooperation between them. Educational decision-making should be aimed at providing students with the best possible educational experience. It will be a complex task to create necessary conditions for constructive dialogue in the existing atmosphere of distrustful power relationships surrounding collective bargaining.

4. The exact nature of the problem differs markedly from place to place.

The extent to which community views and concerns are represented in the bargaining process, and the nature of the obstacles which must be overcome, varies from area to area. Factors include the size of the school system, the demographic make-up of its constituency, its

employees and its school board, the history of collective bargaining in the system, the history of union/board/administration/community relationships, and the social, political and economic context within which the system functions.

The relative infancy of collective bargaining in education makes understanding the problem of community representation difficult. The number of years of experience with collective bargaining varies tremendously from area to area. The nature of the problem and of possible solutions is different in New York City, with over 12 years of collective bargaining experience, than in cities where collective bargaining has only recently been adopted.

5. There is always the possibility when implementing solutions to complex social problems that additional problems will be created. Practical objections to including the community in the bargaining process present difficult problems. It is certainly possible that (1) the process will be less efficient when a new force is introduced, (2) community participants, like the urban school boards, will (a) not be representative of the community at large, (b) will delegate authority to a technostructure, (c) will be "coopted" by the dynamics of the process or (d) will not have the time to become involved in the bargaining process.

The extent to which new problems may be created by changes in the process will depend on the nature of the changes. We do not have easy answers to these problems. We do believe, however, that the importance of community participation warrants sustained attempts to devise solutions.

A Call for Study, Discussion, and Action

If we had conducted interviews before World War II about educating retarded children in their home communities, objections and considerable resistance would have been voiced. At that time it was "obvious" that retarded children should be kept segregated--it was not in their best interest to live and learn in their home communities. If we had repeated these interviews twenty years after the war, but asked about the possibility of educating retarded children in public school classrooms with normal children, we would again have received tremendous resistance.

Today, if we were to repeat the interviews, we would find people recommending "mainstreaming." Governmental policy makers are now urging that "mainstreaming" should be typical educational practice. From institutionalization in remote settings, to segregated classes in schools, to being part and parcel of regular classrooms--these are dramatic changes which indicate how "time-bound" attitudes can be. We suggest that this is what is happening with the issue of the community role in collective bargaining in schools.

We interviewed people in the field about involving community groups as an integral part of the collective bargaining process. Numerous objections and considerable resistance was voiced to this idea, just as similar reactions would have been voiced to mainstreaming retarded children for the last 30 years. It would be tragic if we wasted 30 years before it became obvious that community groups have the "right" to participate in the collective bargaining process and are given the opportunity to do so.

Collective bargaining is in its infancy in public education in most states. Therefore, this is the time to seriously consider how it should be

implemented, before the process becomes institutionalized, before it acquires the weight of history and constraints of tradition. In the near future the NEA and AFT may merge. One of the two bills before Congress calling for a federal law guaranteeing collective bargaining rights to public employees may become law. Centralized bargaining at regional and state levels may occur, and community groups may increase in size and power. The implications of these events for public sector collective bargaining must be seriously considered, so that potential solutions can influence their final form.

Representing the public interest in public sector negotiations will become an increasingly important issue.* In this report we portrayed the reactions and objections of those in the field to increasing public representation in educational negotiations, and presented models which might prove useful in confronting and dealing with the problem. Because of practical difficulties of constructively altering the bargaining process, resistance to change of established power groups, there are no simple solutions to this problem. Yet in our interviews we were impressed with certain individuals who passionately and honestly grappled with the complexities of the problem. We hope that this report will stimulate others like them to begin to think through and discuss this problem, and that such thought and communication will result in realistic, constructive actions to increase community participation in the bargaining process. The proposals in the

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*One indication of this is the fact that the U.S. Department of Labor recently awarded a large grant to the National Civil Service League to study "The Representation of the Public Interest in Public Sector Collective Bargaining."

following section are presented to stimulate thought, discussion, and action, which are now sadly lacking.

SECTION III -- PROPOSALS FOR CHANGE

Don Davies
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Seymour B. Sarason

The most important result of the work of the Study Team to date is the identification of five possible approaches to providing the community with a larger role in decision-making. These five ideas are not presented as fully developed models. None has been tested adequately in practice, as there has been little willingness to depart from the conventional bargaining approach.

We believe that these proposals, and others, deserve careful examination, discussion, and debate. Many deserve to be tested in the field.

I. The Responsive Board

One approach available to any Board of Education without new laws, regulations, or research is to design and implement a systematic method for more two-way communication with the constituencies it serves. This approach requires conducting nearly all important business of the board in public sessions, avoiding contrived public sessions preceded and followed by back-room politics.

To make this approach viable, a board must view the community as its constituency in the same way the leadership of a teachers' organization sees the teachers as its constituency. A "responsive board" will develop effective methods of communication and feedback from the diverse parts of the community, including the "unorganized" people who do not have representatives presenting

their views and protecting their interests.

A "responsive board" need not abdicate its responsibility, judgement, and leadership. It need not adopt a simplistic "nose-counting" approach.

There are a wide range of possible techniques for a board that decides to include community views in its decision-making process. Boards across the country are making genuine efforts and have provided promising approaches. Some examples are: 1) open hearings held before the formal negotiations begin and at intervals during the process; 2) inexpensive, small-sample opinion surveys; 3) the establishment of large citizens' advisory committees to advise the board on what positions to take and what issues to emphasize before and during negotiations; 4) the establishment of school councils (individual school policy and advisory groups) to propose issues and react with board and teacher organization positions, and to serve as a conduit for the ideas and concerns of students, parents, and other community residents; and 5) formation of numerous, temporary citizen study teams to gather data and community opinion, to engage in organized and informal discussions in the community, and to present their findings to the board.

For a "more responsive board" approach to be effective, board members would have to be willing to take a much more active role in decision-making than now seems to be the case. The board would also have to be willing to sacrifice some of the alleged efficiency and speed of the present highly-professionalized bilateral negotiations model, and to live with some of the untidyness and abrasiveness that is almost inevitable when decision-making becomes more open and participatory.

II. Multi-Level Bargaining

The multi-level bargaining "model" is an adaptation of the common practice of supplementary contract negotiations in the private sector. This is an approach commonly found in large decentralized industries and industrial unions (automobiles and steel, for example). A master contract is negotiated between headquarters management and the central negotiating team of the national or international union. Then supplementary contracts are negotiated by the local management and local unions.

Such an approach might be feasible in school districts that are decentralized either by districts or individual schools. The "master contract" between the central board and the city-wide union would deal with basic economic issues and a few other city-wide policy questions, leaving many of the issues affecting specific areas of the city or individual schools to decentralized negotiations.

This proposal assumes that mechanisms would be developed for community involvement at the decentralized level of the process. If not, this approach is simply an interesting adaptation of the bilateral, highly professionalized process and does not address the problem of lack of community participation in decision-making.

III. Multi-Party Bargaining

The central concept of this approach is that the community is an independent "third force" beside school district and teacher organization officials in negotiations (as well as in other decision-making processes). There are wide variations possible within the multi-party framework. Community or parent representatives might participate in negotiations as

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mediators, helping each party see the other's point of view and helping to identify promising compromises. Or community representatives might serve as "watchdogs" to keep both sides honest, and to see that the interests of children are properly considered in the deliberations. Such parent representatives might function as self-interested third parties in the bargaining process, with their own demands and the right to approve any final agreement.

Questions of who will represent the "third force" and how they will be selected become important when this model is considered. Some have proposed (as was recently done in Chicago) the organizing of a parents' union. Others suggest a coalition of existing city-wide and neighborhood organizations to select representatives and provide liaison with diverse constituencies. An additional possibility is using chairmen of school councils to select community representatives. School councils could provide grassroots consideration of the issues on the table. School councils exist in many large city school systems already (e.g., Chicago, Los Angeles, Atlanta, Louisville, and New Haven).

IV. The Ombudsman

A new ombudsman role could be created in school districts with the sole task of participating in all major aspects of policy-making, including the negotiations process. The ombudsman would be mandated to act as protector of the public interest, placing highest priority on the interests of students.

An ombudsman office and the authority for it could be created by state

legislation or state department of education action and funded from state sources. Or, the office could be created by local school board action and supported by school district funds. His/her responsibilities would have to be carefully defined, with a minimum of bureaucratic constraints and a clear mandate for continuous communication with all the groups and interests in the community. Existing advisory groups, youth organizations, school councils, and citizens' organizations could serve as channels of communication for the ombudsman along with other mechanisms which he/she creates.

This proposed role would differ from many ombudsman plans already in operation in that he/she would not be asked to deal with individual problems and grievances but would be an "independent representative" of those groups now largely unrepresented in policy-making and collective bargaining.

V. Limited Scope Bargaining

Some of the people most sympathetic to a greater community role in decision-making seem attracted to the idea of sharply limiting the scope of bargaining, keeping as many educationally significant issues and questions off-limits as possible. Such an approach reduces opportunity for teachers to deal with educational issues important to them and in which they have a legitimate stake. However, sharply limiting the areas of bargaining leaves large areas of policy open for significant community influence through mechanisms other than negotiations (e.g. individual school policy and advisory councils).

In theory, bargaining can be limited by amending existing state laws covering labor relations in the schools specifically, or for public employees in general, or by new legislation. Bargaining scope can also be

limited by negotiating limitations with the teachers' organizations.

We doubt that this approach is feasible in many states and communities, as it requires political action which would erase hard-won gains by teachers and other employees' organizations in recent years. Legislative change would require building a powerful grassroots political base and lobbying effort to overcome the strong political clout of teacher organizations in many state capitals.

It is doubtful whether written restrictions on bargaining scope would have much effect on actual practice. It is nearly impossible to be adequately precise in legislation defining "conditions of work." It is much more likely that limitations of scope could be achieved by common agreement in the month-by-month, year-by-year process of discussion and negotiation at the local level. It is almost certain that for a board to achieve such limitations, it would have to be willing to make substantial trade-offs on economic issues.

SECTION IV -- CONCLUSIONS AND A LOOK AHEAD

Seymour B. Sarason

Collective bargaining raises issues and questions which deserve the closest scrutiny and public discussion. If we had any doubts when this project started that our concerns were not shared by others, they were quickly dispelled when we began to interview individuals who had formal experience with the process. This is a point which deserves emphasis because a large number of our interviewees agreed that the lack of public discussion and appropriate studies was symptomatic of how "loaded" the issues were with partisan feeling and threatened positions of power. If we have contributed to starting or facilitating public discussion we will have accomplished our goal.

But in one important respect this report could have the unfortunate and unintended consequence of unduly narrowing people's perspective of a much larger set of issues among which collective bargaining is but one. How should a school or school system be governed so that the interests of all parties are represented and maximum use made of relevant resources existing within and without the system? The question can even be put in the context of a single classroom. How should the "constitution" of a classroom be forged so that the relations between pupil and teacher reflect their needs, rights, and goals? What "laws" should govern conflict resolution and how does one use an "amendment process" to adapt to new problems and knowledge? What should the relationships be between the single classroom and the rest of the school and how should conflicts between them be handled? By what

criteria and rules should the resources of the school be defined and allocated to its sub-units? What should be the role of students, parents, teachers, and administrators in defining and allocating resources to classrooms? What practices and activities of outside agencies impinge upon a school and its sub-units, and how should these impingements be viewed, managed, or changed to take into account differing needs, functions, and traditions of the parties? Who should decide how to view and define resources (inside and outside the classroom and school) in ways which compensate for the indisputable fact that the school's resources are always limited?

These questions can be asked of a single school in relation to the larger school system, and of the larger system in its diverse relations with other systems in the community. In all of these relationships we are dealing with the processes of governance and decision-making among relatively autonomous systems, i.e. within the school system, and between it and other community systems. Each of these systems has its internal and "foreign" policies. A distinguishing characteristic of recent decades has been the recognition that the social upheaval we have witnessed is in part a reflection of two factors: these different community systems are interactive; they need each other, but their individual modes of governance and decision-making do not facilitate effective and productive conflict resolution. This is, of course, what has happened to our country in relation to the community of nations. We are independent and interdependent; we need their resources as they need ours, but our different traditions, practices, and styles of governance are massive barriers to changes in decision-making and conflict-resolving practices.

From this perspective collective bargaining between teacher unions and boards of education is but one aspect of the much larger problem of governance within, and between, the school and other community groups. To the extent that we fail to see collective bargaining in this larger context, we may be setting the stage for future problems no less severe than those of the recent past.

Let me illustrate this point by noting a major recommendation contained in the recently published "Youth in Transition," written by the President's Science Advisory Committee, Washington, D.C. (1973). This recommendation, which is being taken seriously in formulating future federal policy for public education, states that high school youth should be allowed and encouraged to spend part of the academic year working in the community. The recommendation is proposed as a solution to student indifference, documented by Claude Buxton.*

If this suggestion is taken seriously, it will have some predictable consequences. First, it will change the nature of work of school personnel. Second, it will change the relationship between students and school personnel. Third, it will change and intensify the role of parents in relation to school policy. Fourth, it will require the schools to develop new relationships to the community. Fifth, many of these community settings (e.g. business, industry, service agencies, etc.) will have had no previous relationships with schools and will be confronted with unfamiliar issues.

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*Claude Buxton, Adolescents in School. New Haven: Yale University Press, 1973.

Implementing the recommendation in educational ways will require changes in governance, because the traditional style of school governance has been partly to blame for the situation it will now be asked to "cure."

It is not only the schools which will have to change. It requires no great wisdom to predict that school-community relations will enter a new stormy phase. This recommendation will undoubtedly become a central issue in collective bargaining not only between teacher unions and boards of education but also between unions and management in various community settings.

As the recommendation begins to be implemented, issues of intra and intersystem governance will come into focus. Multiple rather than two-party negotiations will be required, and they cannot be based on an adversary model. My fear is that our school systems are no more prepared to deal in a far sighted way with these emerging problems than they were with those presented to them by the teacher unions. But much more will be at stake because the schools will be intimately and formally related to scores of work sites in scores of settings.

From my standpoint, the content of our report underlines the necessity of questioning the rationale for the present mode of school governance. It is a mode no longer philosophically and organizationally adequate, for the task of dealing with interdependent but separate groups accustomed to doing things their way. It is an extraordinarily difficult task because it will require individuals and groups to sacrifice some degree of their autonomy For the sake of the general welfare. The more partisan the individual or

group, the more difficult it is to see sacrifice other than as defeat.

In the first section of this report, written as a position paper prior to our interviews and group discussions, I said that I was not questioning the role of the board of education as policy formulator and ultimate judge of whatever happens in the school system. I was not suggesting that the board should be eliminated. That statement immediately set constraints on possible solutions in dealing with representation and multi-party coordination. The more I have thought about this problem, particularly in the context of likely changes in school function and organization (e.g., the recommendation about work), the more I have felt that the present way in which boards are selected and organized, as well as their size and time commitments, are not likely to be adequate to the problems we have raised. At the very least, we should not constrict our thinking about the future by uncritically accepting the structures of the present.

The pessimist sees the bottle as half empty while the optimist sees it as half full. We can look at our schools and in the spirit of the pessimist say they fall far short of their goals. Or in the spirit of the optimist we can say they are not as bad as they could be. I find the conclusions of optimists and pessimists amusing but not instructive. What I find helpful is the kind of philosopher who looks at the optimist and pessimist and asks: By what values should we decide whether the contents of the bottle are good or bad?

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As this section was being written, we learned that the federal government has funded a study to examine some of the issues surrounding the collective bargaining process in the public and educational arena. This may well be the first such study to receive direct governmental support, but in any case it suggests that we are on the threshold of public discussion of what has been muted controversy. My fear is that such studies, if they restrict their scope to the intricacies, complexities, and polarities of the collective bargaining process, will divert attention away from the larger issues of governance related to inter and intra-system relationships. Let us not forget that the very fact that collective bargaining took hold in education was symptomatic of an educational structure maladaptive to emerging social realities. It is fruitless to engage in the game of blaming. Indeed, the dramatis personae are people sincerely committed to their version of truth and justice. The tragedy is that as they engage in adversarial conflict, they will not see that by winning battles they may be losing the war.

When the American colonies won their war of independence from Great Britain, they agreed to live with each other on the basis of the Articles of Confederation. The Articles were inadequate for dealing with state-to-state and state-to-central government problems. There was real danger that the sense of community and purpose forged by the war would be dissipated by parochialism, overweening local pride, narrow partisanship, and an adversarial stance between the states, and between states and a weak central authority. It became clear that one possible consequence of all

this could be fatal weakness in dealing with stronger foreign powers. They were in the position of snapping defeat from the jaws of victory.

Miraculously, there were some who saw what needed to be done. They explicated a set of values and then built a structure of governance consistent with these values. They came as close to seeing the problem "whole" as any group in the history of man. I suggest that one read Rossiter's fascinating account of the American constitutional convention of 1787.* He will then understand why I believe that although collective bargaining is an obviously important problem, its major significance lies in what it tells us about the inadequacies, inconsistencies, and dangers of educational governance in general. What education needs--and it is not an idle suggestion--is something akin to the Grand Convention. How can those within our educational systems live with each other, and how shall they live with those outside their systems with whom they have commerce?

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*Clinton Rossiter, 1787: The Grand Convention. New York: New American Library, 1966.

SELECTED ANNOTATED BIBLIOGRAPHY:

The Study Team undertook a wide search of the literature. Only a limited number of items were discovered that relate directly to the role of the community in collective bargaining. A few of the most significant books, reports, and articles have been annotated and are listed below.

Bok, Derek and Dunlop, John. Labor and the American Community. New York: Simon and Schuster, 1970.

Chapters 1,2,3,7, and 11 present the reader with an overview of public reaction to unionism, internal union organization, and an excellent comparison of the public vs. the private sector.

Davies, Don. Citizen Participation in Education. New Haven: Institute for Responsive Education, 1974.

This comprehensive listing of published material on many aspects of citizen participation in the schools includes some material directly related to collective bargaining.

Dupont, Ralph P. and Tobin, Robert D. "Teacher Negotiations into the Seventies," William and Mary Law Review, Vol. 12, No. 4, Summer 1971, pp. 711-749.

This is a general discussion of collective bargaining in public education. The authors argue that teachers should assist in determining school policies in the negotiations process. They advocate an expansion of what is bargainable so that teachers will be able to affect policy making decisively. The article focuses on legal issues, (strikes, injunctions, impasse procedures) to be dealt with in the 70's. The authors conclude that national legislation is required to establish sound labor relations between boards of education and teacher organizations.

Epstein, Benjamin. "What is Negotiable?" Washington, D.C.: National Association of Secondary School Principals, 1969.

Epstein is concerned that administrators will be excluded from decision-making if boards of education agree to expand the scope of negotiations with teacher groups. He proposes a model whereby the collective bargaining agreement between teachers and the board would establish a council consisting of teacher representatives, administrators, and supervisors. This council would have the authority to make policy recommendations to the superintendent. Epstein's model would restrict the scope of negotiations for the teacher organizations.

Herndon, Terry. "The Future of Negotiations for Teachers," in The Collective Dilemma: Negotiations in Education. Worthington, Ohio: Charles Jones Publishing Co., 1969.

Herndon's piece is now somewhat dated. He says that teachers will never return to the unilateral form of education which existed prior to collective bargaining. He predicts that teachers would aggressively push to expand the scope of negotiations. The piece does reflect the prevailing mood of many urban teachers toward the end of the 1960's. (Albert Shanker's article in this same book also represents a teacher's organization view.)

Kilberg, William J. "Appropriate Subjects for Bargaining in Local Government Relations," Maryland Law Review, Vol. 30, No. 3, Summer, 1970, pp. 179-198.

Concentrating on public sector bargaining, Kilberg argues for a more narrow scope of bargainable issues than Wollett, Dupont and Tobin. In the area of social services, defined to include teachers, hospital workers, welfare workers, etc., he says the state legislature should provide a comprehensive listing of bargainable and non-bargainable matters, "in each case balancing the public interest with the right of public employees to be heard on matters which directly affect their working conditions." Kilberg only touches this public policy question and views legislation as an answer.

Lieberman, Myron. "A New Look at the Scope of Negotiations," School Management, December 1972.

Lieberman has strong misgivings about teacher organizations gaining access to educational policy-making. Obtaining access to policy-making through the collective bargaining process, he argues, will be done at the expense of other citizen groups. His argument is similar to Wellington and Winter. He suggests a new approach which would include other groups in the bargaining process.

Prasow, Paul., et al. Scope of Bargaining in the Public Sector: Concepts and Problems. U.S. Department of Labor, Washington, D.C., 1972.

A comprehensive report dealing with the importance of the scope issue in public sector bargaining. In the field of education, the report concludes that the scope will continue to expand. The existing bargaining structure in public sector negotiations is seen as the most viable way to deal with scope expansion.

Public Education Association Reports and published statements

PEA, a strong citizens' organization in New York City has issued several reports and other documents on collective bargaining that are useful not only in New York City but in any district engaged in the process. The reports are brief and well-documented, and often include practical suggestions for

community school boards and other community groups. The spirit of the reports is not to attack or destroy collective bargaining but to make it workable from the parent and citizen point of view. Some of the materials which are available from PEA are these: John Saunders, "Testimony to the State Assembly Committee on Governmental Employees," October 29, 1973; David S. Seeley, "Responsible Collective Bargaining;" "School Principals: 'Management' or 'Labor'," Education Information Service III-7, February, 1973; David S. Seeley, "The 1972 Teacher Contract Negotiations Statement;" David Ebbin, "Testimony before the New York State Board of Regents," January 9, 1973; David Seeley, "Union Role in Superintendent Selections," June 6, 1974.

Some of this material deals with the position of the school principal in collective bargaining, an issue which this IRE report does not address. The position of Seeley and PEA is that principals should be defined as part of "management." The PEA materials can be ordered from Public Education Association, 20 West 40th Street, New York, New York 10018. (212) 354-6100.

Ridgeley, Robert L. "Collective Bargaining and Community Involvement in Education--The Trouble with Negotiations." Boston: Massachusetts League of Women Voters. 120 Boylston Street, Boston, Mass. 02116. 75 cents. August 1974.

This publication is from a presentation by Mr. Ridgeley to the National Task Force for High School Reform--Task Force '74. He deals forcefully with a number of issues relating to collective bargaining. Mr. Ridgeley was one of the first informed school board leaders to speak out for broader community involvement in negotiations.

Wellington, Harry H. and Winter, Ralf K. "The Limits of Collective Bargaining in Public Employment," The Yale Law Journal, Vol. 18, No. 7, 1969, pp. 1107-1127.

Both authors are widely known for their theses that collective bargaining in the public sector, if left unchecked, could erode the normal American political process by granting employee organizations a disproportionate power advantage in affecting public policies. This theme is briefly discussed in this review. They argue that great limits on public sector bargaining must be enacted or drastic alterations in bargaining procedures be made to protect the public interest. In short, they stress that a "full transplant of collective bargaining to the public sector is inappropriate..." A comprehensive review of the literature regarding the scope of teacher negotiations is included. The authors support increased decision-making in policy-making areas by teachers but conclude that teachers have not greatly expanded their decision-making to crucial matters of educational policy. Concluding that the bargaining structure might be altered to promote multi-party bargaining, they provide a brief account of such a possible development in Washington, D.C.

Wollett, Donald H. "The Bargaining Process in the Public Sector: What is Bargainable?" Oregon Law Review, Vol. 51, 1971-72, pp. 177-182.

In a concise article dealing with the scope of negotiations, Wollett argues that the bargaining process ought to determine bargainable issues. This entire volume of the Oregon Law Review is devoted to collective bargaining in the public sector. Included among the topics are: Governmental Response to Public Unionism; Labor Disputes in the Public Sector; Private Lives of Public Employees; separate articles dealing with collective bargaining in Oregon and Pennsylvania.

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